

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AMALIA DEEL, et al.,

Plaintiffs,

v.

COUNTY OF FRESNO,

Defendant.

Case No. 1:24-cv-00885-KES-EPG

ORDER GRANTING STIPULATION FOR
PLAINTIFFS TO FILE FIRST AMENDED
COMPLAINT

(ECF No. 25)

This is a civil rights case, filed in part under 42 U.S.C. § 1983. (ECF No. 1). This matter is before the Court on the parties' stipulation for Plaintiffs to file a first amended complaint, which states in relevant part as follows¹:

Plaintiffs may file a First Amended Complaint. The parties expressly stipulate that good cause exists for permitting the filing of the First Amended Complaint to name the involved Fresno County Sheriff's Deputy as a defendant in this case because no party will be prejudiced and because it will facilitate the efficient progress of this litigation.

(ECF No. 25, p. 1).

They agree that Plaintiffs will file the first amended complaint within 7 days of the Court's order approving their stipulation and that Defendants will respond within 21 days.

Upon consideration, the Court will grant the parties' stipulation.

¹ The parties did not submit a proposed order to the Court's email box with the stipulation. *See* Local Rule 143(b) (requiring a proposed order to be submitted with a stipulation); Local Rule 137(b) (requiring parties to email a Word version of a proposed order to the Court's email box). If they file a future stipulation, they are directed to follow the Court's Local Rules.

Before concluding, the Court notes that the parties' filing did not address whether their stipulation moots the pending motion to dismiss before the assigned District Judge. (ECF No. 9). Generally, the filing of an amended complaint moots any pending motion to dismiss. *Est. of Valentine v. Cnty. of Merced*, No. 1:23-CV-01697-JLT-SAB, 2024 WL 3226730, at *1 (E.D. Cal. June 28, 2024) ("When a plaintiff files an amended complaint, the amended complaint becomes the operative complaint and renders any pending motions to dismiss moot."). The Court will require the parties to file a joint statement on this issue.

Accordingly, IT IS ORDERED as follows:

1. The parties' stipulation for Plaintiffs to file a first amended complaint is granted. (ECF No. 25).
2. Plaintiffs shall file their first amended complaint (attached to the stipulation) within 7 days from the entry of this order; and Defendants shall have 21 days to respond after its service.
3. Within 7 days from the entry of this order, the parties shall file a joint statement stating their position(s) as to whether the filing of the first amended complaint moots the pending motion to dismiss.

IT IS SO ORDERED.

Dated: January 23, 2025

/s/ Eric P. Shoup
UNITED STATES MAGISTRATE JUDGE